

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DARAIUS DUBASH, and

DR. FARAZ HARSINI

Plaintiffs,

v.

CASE NO. 4:23-cv-03556

CITY OF HOUSTON, TEXAS;

HOUSTON DOWNTOWN PARK
CORPORATION;

OFFICER ROBERT DOUGLAS
(# 7943), in his individual capacity;

OFFICER VERN WHITWORTH
(# 7595), in his individual capacity;

DISCOVERY GREEN CONSERVANCY
f/k/a HOUSTON DOWNTOWN PARK
CONSERVANCY; and

BARRY MANDEL, in his individual
capacity.

Defendants.

**PLAINTIFFS' MOTION FOR LEAVE TO FILE A CONSOLIDATED OPPOSITION
BRIEF IN RESPONSE TO DEFENDANTS' MOTIONS TO DISMISS
AND TO EXCEED PAGE LIMITS**

Plaintiffs, Daraius Dubash and Dr. Faraz Harsini, respectfully request that the Court grant permission to consolidate Plaintiffs' briefs in response to the arguments raised in [1] the Motion to Dismiss of Defendant City of Houston, Officer Robert Douglas (#7943), Officer Vern Whitworth (#7595), Discovery Green Conservancy, and Barry Mandel (Docket No. 44) and [2]

the Motion to Dismiss of Defendant Houston Downtown Park Corporation (Docket No. 46) into a single brief of no more than 38 pages.

As grounds for their motion, Plaintiffs state that the above motions to dismiss make many substantially similar arguments, and that filing two separate responses would consequently lead to duplicative briefing. To avoid wasting the Court's and the parties' time and resources, Plaintiffs request leave to consolidate their opposition to Defendants' motions to dismiss into one oversized opposition of no more than 38 pages. Plaintiffs believe that 38 pages are necessary to fully respond to the issues laid out in both motions, and that this consolidated response will streamline the Court's review, prevent the repetition of identical arguments, and will ultimately aid in the Court's consideration of this case.

Undersigned counsel has conferred with counsel for each of the abovementioned defendants, and Defendants do not oppose this request.

For the foregoing reasons, Plaintiffs respectfully move this Court to grant this motion, and allow Plaintiffs to file a consolidated response to Defendants' motions to dismiss. Plaintiffs likewise respectfully ask that the court grant them leave to file a response 38 pages in length.

A proposed order is attached.

Date: January 30, 2024

Respectfully Submitted,

/s/ John Greil
John Greil (TX 24110856)
Steven T. Collis (TX 24122632)
Law and Religion Clinic
University of Texas School of Law
727 E. Dean Keaton St.
Austin, TX 78705
(512) 475-9090
john.greil@law.utexas.edu
steven.collis@law.utexas.edu

JT Morris (TX 24094444)
Gabe Walters*
Foundation for Individual Rights and
Expression
(215) 717-3473
700 Pennsylvania Ave., Suite 340
Washington, D.C. 20003
jt.morris@thefire.org
gabe.walters@thefire.org

Daniel Ortner*
Foundation for Individual Rights and
Expression
510 Walnut St., Suite 1250
Philadelphia, PA 19106
daniel.ortner@thefire.org_

**Admitted pro hac vice*

Attorneys for Plaintiffs